

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JAMES SMITH, on behalf of himself and all others similarly situated, and on behalf of the TRIAD MANUFACTURING, INC. EMPLOYEE STOCK OWNERSHIP PLAN,

Plaintiff,

V.

GREATBANC TRUST COMPANY; THE BOARD OF DIRECTORS OF TRIAD MANUFACTURING, INC.; DAVID CAITO; ROBERT HARDIE; and MICHAEL McCORMICK,

Defendants.

Civil Action No.: 1:20-cv-02350

JUDGE RONALD A. GUZMAN

MAGISTRATE JUDGE YOUNG B. KIM

**STIPULATION TO AMEND COMPLAINT PURSUANT TO FRCP 15(A)(2)**

Plaintiff James Smith (“Plaintiff”), Defendant GreatBanc Trust Company (“GreatBanc”), and Defendants the Board of Directors of Triad Manufacturing, Inc., David Caito, Robert Hardie, and Michael McCormick (“Triad Defendants” and, with GreatBanc, “Defendants”), hereby submit this joint stipulation and request that the Court grant Plaintiff leave to file a First Amended Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure:

1. On April 15, 2020, Plaintiff filed his Complaint (ECF No. 1).
2. On June 29, 2020, GreatBanc filed its Answer to Plaintiff's Complaint (ECF No. 45).
3. On October 18, 2021, Triad Defendants filed their Answer to Plaintiff's Complaint (ECF No. 79).

4. On October 12, 2021, this Court set February 28, 2022, as the deadline for amendment of the pleadings. (ECF No. 76).
5. On January 26, 2022, Plaintiff notified Defendants that he intended to file an amended complaint, requested Defendants' consent to file, and sent a draft of the amended complaint to Defendants.
6. Plaintiff subsequently sent Defendants an updated draft of the amended complaint on February 3, 2022.
7. On February 10, 2022, both GreatBanc and Triad Defendants consented to Plaintiff filing the amended complaint. Defendants' consent to the filing was given without waiver of any rights, arguments, or defenses (affirmative or otherwise), each of which is fully preserved without concession.

**NOW, THEREFORE**, the parties hereby stipulate and request, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, that the Court grant Plaintiff leave to file a First Amended Complaint in this action, a true and correct copy of which is attached as Exhibit A.

**IT IS SO STIPULATED.**

Dated: February 16, 2022

/s/ Mary J. Bortscheller

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/s/ Benjamin P. Fryer

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*Defendants Board of Directors of Triad  
Manufacturing, Inc., David Caito, Robert Hardie,  
and Michael McCormick*

**[PROPOSED] ORDER**

Pursuant to the parties' stipulation and Rule 15(a)(2) of the Federal Rules of Civil Procedure, this Court grants Plaintiff leave to file his First Amended Complaint, attached hereto as Exhibit A.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Ronald A. Guzman  
United States District Court for the  
Northern District of Illinois